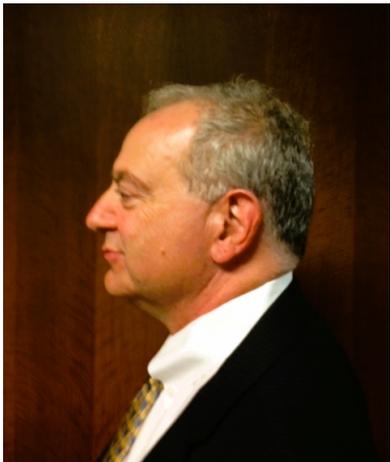




Of the State Capitol: The rights on the coast are contemplated.

05 JUNE 2022

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Recently, I had the privilege of serving on a commission to study public access to the waterfront. The issue at hand was: where on the beach can you walk, fish and swim if you don't own a beachfront home?

The commission, which I will describe in detail later, is proposing a major clarification of the boundary that separates private land from public land in coastal Rhode Island. If the proposal were adopted, the public would be able to freely walk and fish within the sandy area that abuts the sea, up to ten feet beyond the weed line. This comes to vindicate the motto "Ocean State."

The use of the shores of Rhode Island dates back to ancient history.

The Colonial Period. Rhode Island was formally founded in 1663 when Roger Williams obtained a Charter from King Charles II of England. This document guaranteed Rhode Islanders "full freedom to (...) fish (...) on the coast." Referring to beaches as "barren lands," the Charter established that fishermen could dry their fish anywhere on the beach. In addition, in recognition of the fact that the inhabitants were engaged in whaling, it granted them the right to drag captured whales to the dunes.

The 1843 Constitution. In 1843, Rhode Island replaced the charter with the state Constitution. This document specifically continued the rights of the coast in the Charter.

The Ibbison Decision in 1982 . The Rhode Island Supreme Court returned to the issue of shoreline rights in a decision called Ibbison . The judges tried to arrive at a fair result, but imposed a theoretical line called "The Line of the Mean High Tides." There are three problems:

1. It does not correspond to any mark or physical feature. It is impossible for people to determine where it is located.
2. The beach changes its profile every day and this effect contributes to the uncertainty.
3. And most importantly, the dynamic speed of the waves pushes the foam high up the beach. The sea water is projected after "The Line of the Mean High Tides". The theoretical does not work in the real world.

The 1986 Constitutional Amendment. In 1986, Rhode Island called a constitutional convention in reaction to the censures of the Ibbison decision and proposed an amendment that gave us liberal guidelines.

Unfortunately, the text of the amendment did not specify a line between what is public and what is private. But, by the implication of the amendment, the kelp line – an ecological bridge between land and sea – would roughly serve as the border.

The commission of 2022. It takes us to the aforementioned Commission that fulfilled what the amendment left us.

It was a commission made up of a dozen citizens appointed by spokesman Joseph Shekarchi. It was called the "Special Legislative Commission to Study and Provide Recommendations on Questions Relating to Lateral Access Along the Coast of Rhode Island."

The Commission – under the leadership of Representatives Terri Cortvriend (Portsmouth and Middletown) and Blake Filippi (Block Island) (chair and vice chair, respectively) – wrote a bill identified as 2022-H-8055. Previously, this article described the content.

In the coming months, we will be able to see if the bill will be approved or rejected.

The author is a retired attorney who has worked for the Attorney General for 30 years.

The perspective is solely that of the author and not that of the Commission.

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